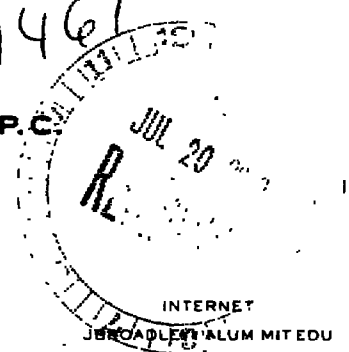


227461
LAW OFFICES

JOHN H. BROADLEY & ASSOCIATES, P.C.

CANAL SQUARE
1054 THIRTY-FIRST STREET, N.W.
WASHINGTON, D.C.
20007

(202) 333-6025
(301) 942-0676 FAX



July 20, 2010

JOHN H. BROADLEY

Cynthia T. Brown, Chief
Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street S.W.
Washington, D.C. 20423-0001

ENTERED
Office of Proceedings

JUL 20 2010

Part of
Public Record

Re: STB Docket AB 295 (Sub-No. 8X), The Indiana Rail Road Company—
Abandonment Exemption—Sullivan County, IN

Dear Ms. Brown:

Enclosed for filing in the captioned proceeding are the following:

1. An original and ten copies of The Indiana Rail Road Company's ("INRD") Verified Notice of Exemption to Abandon a Line of Railroad;
2. An original and ten copies of a Combined Environmental and Historic Report on the proposed abandonment;
3. A CD containing copies of the Notice of Exemption and the Combined Environmental and Historic Report in PDF format;
4. A check payable to the Surface Transportation Board in the amount of \$3700.00 as a filing fee.
5. An extra copy of the Notice of Exemption which I would appreciate your date stamping and returning to our messenger.

Should you have any questions concerning this matter, please do not hesitate to call me at the above number.

Yours very truly,

John Broadley

Enclosures

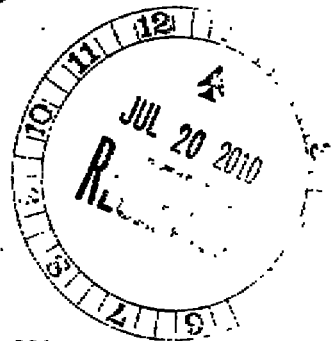
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Office of Proceedings

JUL 20 2010

Part of
Public Record

BEFORE THE
SURFACE TRANSPORTATION BOARD
Washington, D.C.

227461



The Indiana Rail Road Company—Abandonment)
Exemption—Sullivan County, IN)
)
)

AB 295 (Sub-No. 8X)

NOTICE OF EXEMPTION TO ABANDON A LINE OF RAILROAD

This is a notice of exemption filed by The Indiana Rail Road Company ("INRD") pursuant to 49 CFR 1152.50, giving notice that on or after September 10, 2010 it intends to abandon part of its Kindill Lead located in Sullivan County, IN. The part of the Kindill Lead to be abandoned lies between Milepost 3.1 and Milepost 7.47, a distance of 4.37 miles. The line to be abandoned will hereinafter be referred to as the "Line."

CERTIFICATIONS

The certification required by 49 CFR 1152.50(b) is attached hereto as Exhibit A. The certification required by 9 CFR 1152.50(d)(1) is attached hereto as Exhibit B. The certification required by 49 CFR 1105.11 is attached hereto as Exhibit C.

REQUIRED INFORMATION FROM 49 CFR 1152.22

The information required by 49 CFR 1152.50(d)(2) from section 1152.22 is set forth below following the citation and regulatory requirement of section 1152.22 which is *quoted in italics*.

49 CFR 1152.22(a)(1): Exact name of the applicant

The Indiana Rail Road Company

49 CFR 1152.22(a)(2): Whether applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, chapter 105

FEE RECEIVED

JUL 20 2010

**SURFACE
TRANSPORTATION BOARD**

FILED

JUL 20 2010

**SURFACE
TRANSPORTATION BOARD**

Yes, INRD is a common carrier by railroad within the jurisdiction of the Board.

49 CFR 1152.22(a)(3): Relief sought

INRD seeks to abandon the Line.

49 CFR 1152.22(a)(4): Detailed map of the subject line.

A two detailed maps of the subject line meeting the requirements of this section of the Board's regulations are attached as Exhibit D hereto, and also as Exhibit C to the Combined Environmental and Historic Report accompanying this notice of exemption.

49 CFR 1152.22(a)(7): Name, title and address of representative of applicant to whom correspondence should be sent.

The applicant's attorney is:

John Broadley
John H. Broadley & Associates, P.C.
1054 31st Street NW, Suite 540
Washington, D.C. 20007
Tel. 202-333-6025
Fax 301-942-0676
Internet: jbroadley@alum.mit.edu

49 CFR 1152.22(a)(8): List of all United States Postal Service ZIP Codes that the line proposed for abandonment traverses.

The Line traverses ZIP codes 47438 and 47882.

49 CFR 1152.22(e)(4): Statement of whether the properties proposed to be abandoned are appropriate for use for other public purposes, including roads of highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. If the applicant is aware of any restrictions on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed.

The Line may be appropriate for use for trail purposes. INRD has not performed a review of its title to the Line and so is not aware of any restrictions that would limit the use of the property for other than rail purposes.

LABOR PROTECTION

There are no INRD employees currently working on the Line and the abandonment of the Line will have no effect on current INRD employees. Nevertheless, INRD acknowledges that the Board will impose its standard *Oregon Short Line* abandonment labor protection provisions.

Respectfully submitted.

THE INDIANA RAILROAD COMPANY

By: John Broadley
One of its attorneys

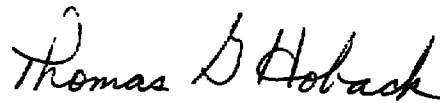
John Broadley
DC Bar No. 238089
John H. Broadley & Associates, P.C.
1054 31st Street NW, Suite 540
Washington, D.C. 20007
Tel. 202-333-6025
Fax 301-942-0676
E-mail jbroadley@alum.mit.edu

Dated: July 20, 2010

EXHIBIT A

(Certification pursuant to 49 CFR 1152.50(b))

I hereby certify that no local traffic has moved over the Line that is the subject of this Notice of Exempt Abandonment for at least 2 years, and any overhead traffic on the Line [there is none] can be rerouted over other lines, and that no formal complaint filed by a user of rail service on the Line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with the Board or any U.S. District Court or has been decided in favor of the complainant within the 2-year period.

A handwritten signature in black ink, reading "Thomas G. Hoback", is written over a horizontal line.

Thomas G. Hoback

President

THE INDIANA RAIL ROAD COMPANY

Dated: July 14, 2010

EXHIBIT B

(Certification pursuant to 49 CFR 1152.50(d)(1))

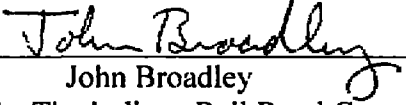
Undersigned counsel for The Indiana Rail Road Company hereby certifies that on July 7, 2010, in accordance with 49 CFR 1152.50(d)(1) he notified in writing the following entities of the proposed abandonment and that, based on information in INRD's possession, the Line does not contain federally granted rights-of-way, and that any documentation in the railroad's possession would be made available promptly to anyone requesting it:

Indiana Department of Transportation
Railroad Section
100 N. Senate Avenue
IGC-N, Room N901
Indianapolis, IN 46204

Surface Deployment and Distribution Command
Transportation Engineering Agency
Railroads for National Defense Program
709 Ward Drive Building 1990
Scott Air Force Base, Illinois 62225

National Park Service
Recreation Resources Assistance Division
1849 C Street NW
Washington, D.C. 20240

US Department of Agriculture
Chief US Forest Service
1400 Independence Avenue SW
Washington, D.C. 20250-0003



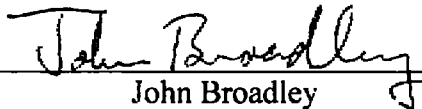
John Broadley
Counsel for The Indiana Rail Road Company

Dated: July 19, 2010

EXHIBIT C

(Certification pursuant to 49 CFR 1105.11)

Undersigned counsel for The Indiana Rail Road Company hereby certifies that on May 26, 2010, pursuant to 49 CFR 1105.11. The Indiana Rail Road Company sent a copy of the Combined Environmental and Historic Report to the agencies identified in 49 CFR 1105.7(b), and to the Indiana Historic Preservation Officer, accompanied by a transmittal letter in the form. and containing the information required by 49 CFR 1105.11.



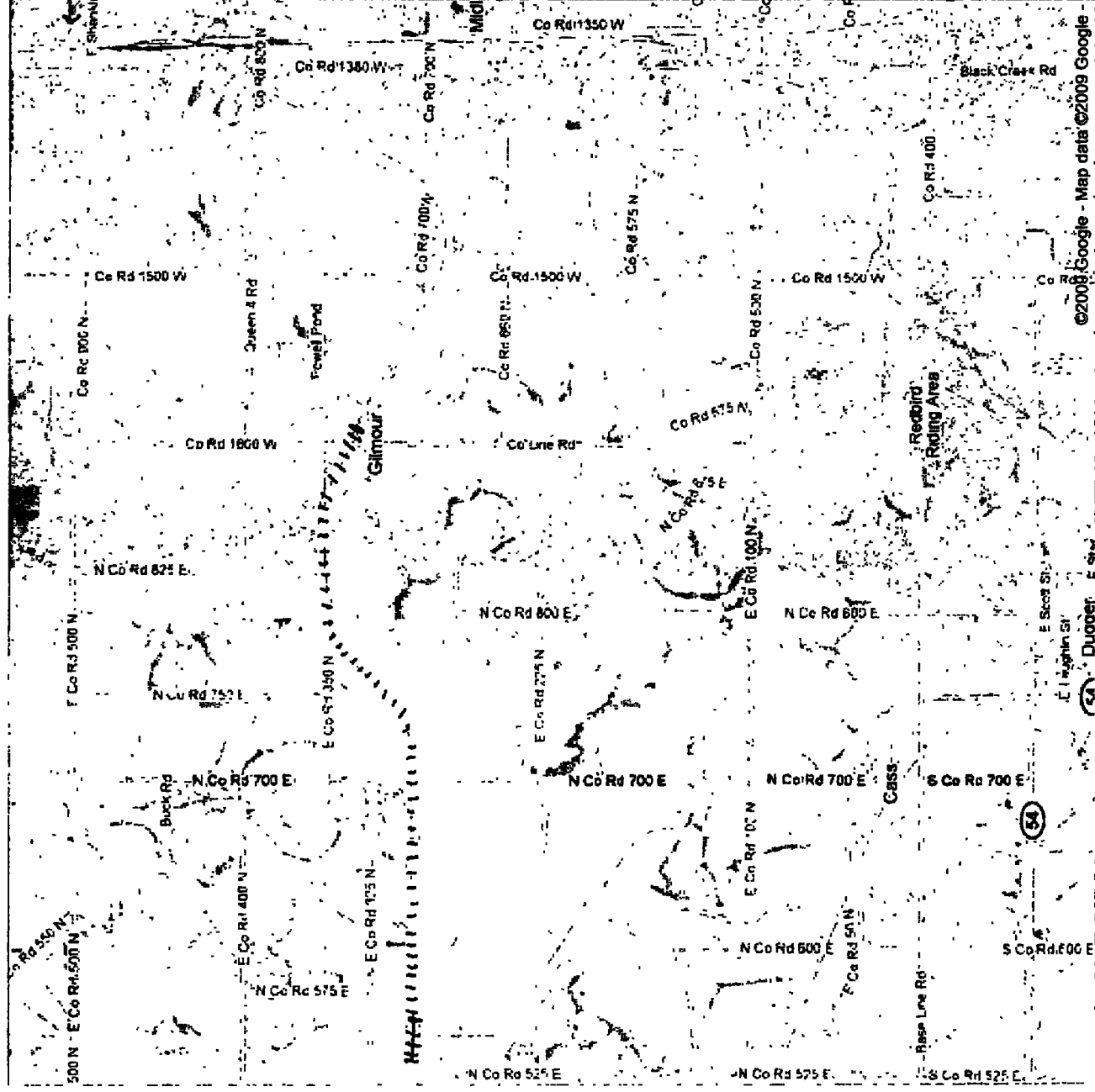
John Broadley
Counsel for The Indiana Rail Road Company

Dated: July 19, 2010

EXHIBIT D

(Maps of the line to be abandoned)

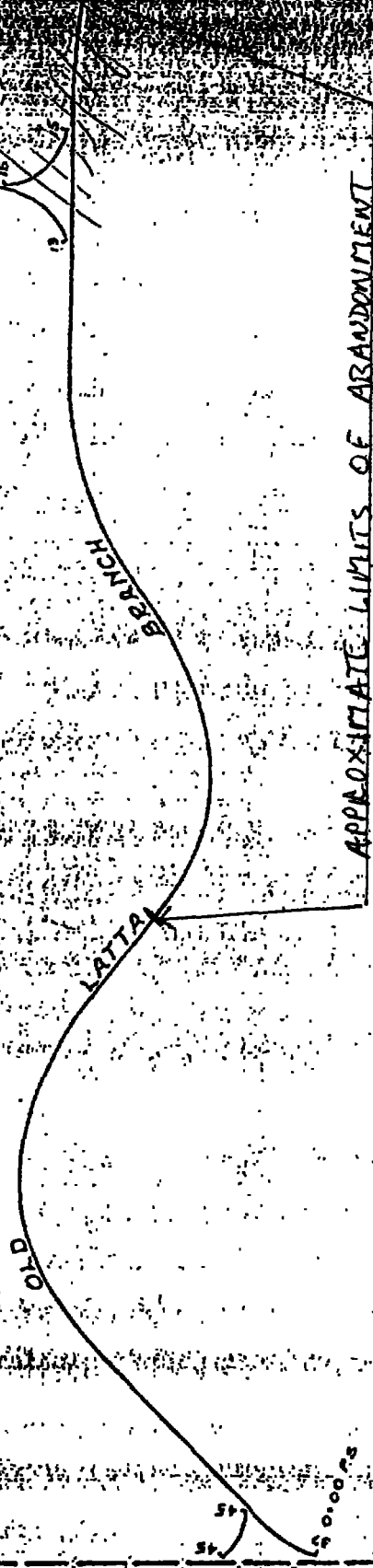
LINE TO BE ABANDONED



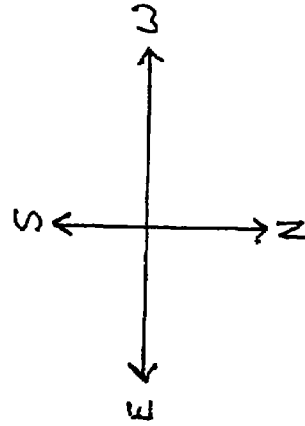
SEC. No. 4608

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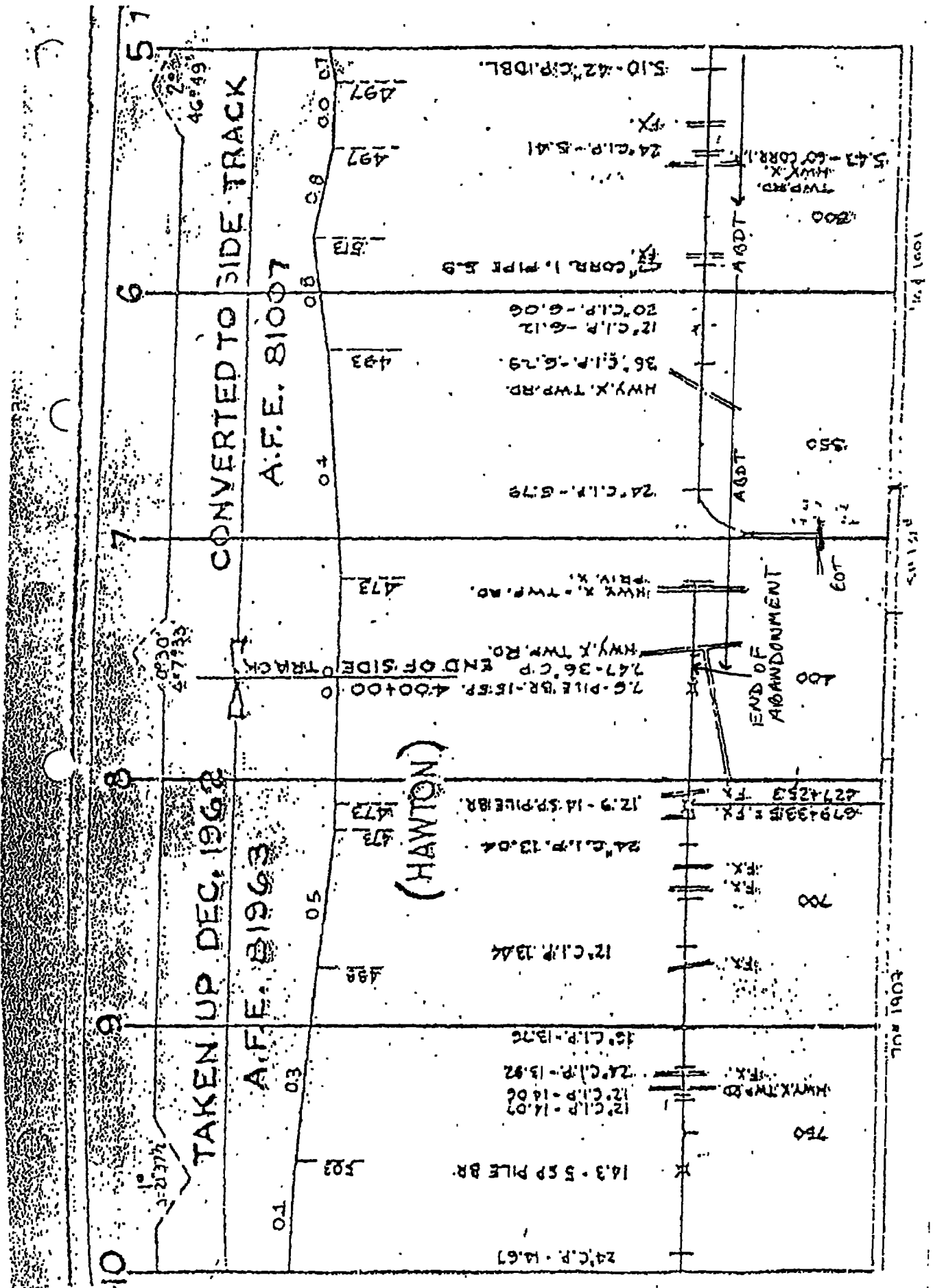
MINERALS MINE



OVERVIEW



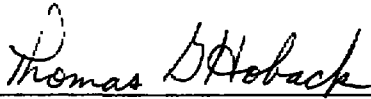
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VERIFICATION

I, Thomas G. Hoback, verify under penalty of perjury that the foregoing Notice of Exemption is true and correct. Further, I certify that I am qualified and authorized to file this Notice of Exemption.

Executed on July 14, 2010

A handwritten signature in black ink, appearing to read "Thomas G. Hoback", written over a horizontal line.

Thomas G. Hoback
President of The Indiana Rail Road Company